

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
October 19, 2011

PRESENT: Vice-Mayor Nguyen, Councilmembers Constant and Oliverio

ABSENT: Mayor Reed

STAFF: Deputy City Manager Norberto Duenas, Assistant City Attorney Ed Moran, City Clerk Dennis Hawkins, Redevelopment Agency Managing Director Richard Keit, CMO Agenda Manager Leanna Bieganski, Mayor's Council Agenda Manager Sara Wright, and Deputy City Clerk Tamara Davis

A. City Council

1. Review Final Agenda for October 25, 2011

Public Comments: David Wall expressed concern for Item 7.2 (City of San Jose Community Choice Aggregation Initial Feasibility Study and Recommendations Results) as being potentially worse than the Incubator Program. He suggested that studies in excess of \$250,000 should go to the Rules Committee for review.

Action: The Committee approved the agenda, as amended and dropped Item 2.7 (Agreement with Clear Channel for Airport Advertising Concessions) and deferred Items 2.8 (Agreements with AMS-SJC JV, Areas USA SJC, LLC and Host International, Inc. for Airport Food and Beverage Concessions) to November 15, 2011); 10.1 (Tentative approval of General Plan Consent Calendar items) and 10.2 (Actions Related to Envision General Plan Update) to November 1, 2011.

Review of Draft Agenda for November 1, 2011

Action: The Committee approved the agenda, as amended, adding the legislative update from Assemblymember Luis Alejo as requested by Mayor Reed and dropped Item 10.2 (b) & (c) (Actions Related to Envision General Plan Update) until early 2012.

B. Redevelopment Agency (RDA)

1. Review Final Agenda for October 25, 2011

Action: The Committee cancelled the October 25, 2011 RDA meeting, but Agency staff will be available for Closed Session items.

2. Review Draft Agenda for November 1, 2011

Action: The Committee cancelled the November 1, 2011 RDA meeting, but Agency staff will be available for Closed Session items.

C. Review of Upcoming Study Session Agenda(s) – None

Action: The Committee approved the agenda

2. Approve the Agenda for the Joint City Council/ Redevelopment Agency Board/ County Board of Supervisors Meeting on October 28, 2011, 1:30 p.m. to 4 p.m. in Council Chambers. (City Manager)

Documents Filed: Draft Agenda for the Joint City Council/Redevelopment Agency Board/County Board of Supervisors meeting on October 28, 2011 from 1:30 p.m. to 4:00 p.m. in the Council Chambers.

Action: The Committee approved the agenda.

D. Legislative Update - None

1. State
2. Federal

E. Meeting Schedules

1. Approve the proposed City Council – Santa Clara Valley Water District Board Joint Study Session on Water-related partnerships for Monday, November 14, 2011 from 1:30 P.M. – 5:00 P.M. (City Manager)

Documents filed: Memorandum from Acting Director of Environmental Services, Kerrie Romanow, to the Rules and Open Government Committee dated October 3, 2011 regarding City Council – Santa Clara Valley Water District Board Joint Study Session on Water-related partnerships.

Actions: The Committee approved the joint City Council – Santa Clara Valley Water District Board Study Session.

F. The Public Record

Document Filed: Memorandum from City Clerk Dennis Hawkins dated October 14, 2011 transmitting the Public Record for the week of October 7 – October 13, 2011.

Public Comment: David Wall pulled Items (i) and (l) and provided additional comments.

Action: The Public Record was noted and filed.

G. Boards, Commissions and Committees - None

1. Appointments
2. Workplans
3. Annual Reports
 - a. Approve the Annual Report for 2010, and the 2011 Workplan for the Small Business Development Commission. (City Manager)

Documents filed: Memorandum from Director of Economic Development, Kim Welsh, to the Rules and Open Government Committee regarding the Small Business Development Commission Annual Report for FY 2010, and the FY 2011 Workplan.

Actions: The Committee approved the Small Business Development Commission Annual Report for FY 2010 and the FY 2011 Workplan.

H. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals
2. Approve the adoption of a resolution supporting the Santa Clara County Suicide Prevention Strategic Plan. (Councilmember Chu)
[Deferred from 10/12/11 Rules Agenda]

Documents Filed: (1) Memorandum from Councilmember Chu to the Rules and Open Government Committee dated October 5, 2011 regarding a Suicide Prevention Resolution and (2) Executive Summary – Suicide Prevention Strategy Plan from Santa Clara County Suicide Prevention Advisory Committee to the Rules and Open Government Committee.

Public Comments: John Mitchem, Michele Lew, and Victor Ojakcan, Santa Clara County Suicide Prevention Plan; and Kathy Forward, National Association of Mental Illness – Santa Clara County all spoke in favor of a City of San Jose Resolution on Suicide Prevention.

Action: The Committee deferred the Item for two-weeks, so staff can get a copy of the County of Santa Clara's plan and determine what the City's efforts will be.

3. Approve the adoption of a resolution supporting the Healthy Eating Active Living Cities Campaign. (Councilmember Chu)
[Deferred from 10/12/11 Rules Agenda]

Documents filed: Memorandum from Councilmember Chu to the Rules and Open Government Committee dated October 5, 2011 regarding Healthy Eating and Active Living City Resolution.

Councilmember Chu informed the Committee that the Healthy Eating and Active Living (HEAL) initiative is different from the Let's Move Campaign; it is a broader program and is inline with the City's 2040 General Plan, which stakeholders support.

Councilmember Constant expressed concern that the HEAL initiative has unintended consequences and will require a lot of analysis and staff time to implement. He does not believe it is up to the City to tell people where to eat.

Councilmember Oliverio believe elements of the HEAL initiative are already incorporated into the City's 2040 General Plan and would like to give the 2040 General Plan time to work, since it will be adopted on November 1, 2011.

Public Comments: Amalia Chamorro, California Restaurant Association and James Duran, Hispanic Chamber of Commerce expressed opposition to the HEAL resolution.

Todd Hanson and David Wall expressed support for the HEAL resolution.

Action: The Committee did not move the resolution forward to the City Council. Vice-Mayor Nguyen opposed the motion.

I. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
 2. Neighborhood Services and Education Committee
 3. Transportation and Environment Committee
 4. Public Safety, Finance and Strategic Support Committee
 5. Rules and Open Government Committee
- None.

J. Open Government

1. Appeals of Public Records Act Requests
- None

K. Open Forum

Public Comments: David Wall suggested that the City remove the tent dwellers from City Hall property and believes the San Jose Mercury Newspaper has been disrespectful to the San Jose Police Department.

L. Adjournment

The meeting was adjourned at 2:58 p.m.



Mayor Chuck Reed
Rules and Open Government Committee